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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/626,577 | 07/27/2000 | Terrance A. Tomkow | 17497-16 | 9588 |

7590     12/16/2003

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| EXAMINER |
|---|
| TRAN, PHILIP B |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2155 | |

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
| **Office Action Summary** | 09/626,577 | TOMKOW, TERRANCE A. |
| | Examiner | Art Unit | |
| | Philip B Tran | 2155 | |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _1_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _7/11/2003_.

2a)☐ This action is **FINAL**.          2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-225_ is/are pending in the application.

    4a) Of the above claim(s) _1-225_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) _1-225_ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)          4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)          5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .          6) ☐ Other: _____ .

## DETAILED ACTION

### *Election/Restriction*

1.    Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.    Claims 1-11, 72 and 76, drawn to method of demand based messaging, classified in class 709, subclass 206.

II.    Claims 12-22, drawn to a method of priority based messaging, classified in class 709, subclass 207.

III.    Claims 23-24, 31-37, 43-55, 82-83, 106-107, 122-138 and 184-186, drawn to a method of computer network monitoring, classified in class 709, subclass 224.

IV.    Claims 25-26 and 90-97, drawn to a method of computer-to-computer handshaking, classified in class 709, subclass 237.

V.    Claims 27-30, 56-59 and 65-71, drawn to a method of computer network managing, classified in class 709, subclass 223.

VI.    Claims 62-64, drawn to a method of computer-to-computer data modifying, classified in class 709, subclass 246.

VII.    Claims 213-225, drawn to a method of network resource access controlling, classified in class 709, subclass 229.

VIII.    Claims 73-75, drawn to a method of remote data accessing, classified in class 709, subclass 217.

IX.    Claims 77-81, drawn to a method of computer data transferring via memory, classified in class 709, subclass 213.

X.      Claims 84-89, drawn to a method of computer-to-computer data transfer regulating, classified in class 709, subclass 232.

XI.     Claims 115-121, 145-150, 159-183 and 187-191, drawn to a method of computer-to-computer data routing, classified in class 709, subclass 238.

XII.    Claims 139-144, drawn to a method of computer network access regulating, classified in class 709, subclass 225.

XIII.   Claims 151-155, drawn to a method of network computer configuring, classified in class 709, subclass 220.

XIV.    Claims 156-158 and 201-205, drawn to a method of computer-to-computer data addressing, classified in class 709, subclass 245.

XV.     Claims 206-212, drawn to a method of computer-to-computer protocol implementing, classified in class 709, subclass 230.

XVI.    Claims 38-42 and 60-61, drawn to a method of message digest travels with message, classified in class 713, subclass 181.

XVII.   Claims 98-105, 108-114 and 192-200, drawn to a method of particular communication authentication technique, classified in class 713, subclass 168.


2.      Inventions I, II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as processing user data in response to a demand to transfer data between the computers such as processing electronic mail massaging, classified in a different Class/Subclass.

Invention II has separate utility such as processing data in response to the priority

characteristics of data transferred between the computers, classified in a different

Class/Subclass. Invention III has separate utility such as detecting or observing

operating characteristics or conditions of computers connected through the network,

classified in a different Class/Subclass. Invention IV has separate utility such as

exchanging instruction data between computers, classified in a different

Class/Subclass. Invention V has separate utility such as managing the resources of the

computers connected to a network, classified in a different Class/Subclass. Invention VI

has separate utility such as changing a format by appending the message transferred

between the computers, classified in a different Class/Subclass. Invention VII has

separate utility such as controlling the resources access by authentication, classified in

a different Class/Subclass. Invention VIII has separate utility such as accessing

websites from remote location, classified in a different Class/Subclass. Invention IX has

separate utility such as data transferring through a storage, classified in a different

Class/Subclass. Invention X has separate utility such as modifying data transfer

operation to conform with operating conditions of the computers, classified in a different

Class/Subclass. Invention XI has separate utility such as selecting a path via which the

computers will transfer data (routing), classified in a different Class/Subclass. Invention

XII has separate utility such as controlling data transfer in a network, classified in a

different Class/Subclass. Invention XIII has separate utility such as identifying message

transmitting in the network, classified in a different Class/Subclass. Invention XIV has

separate utility such as ensuring data are transferring to the intended receiver with

internet address, classified in a different Class/Subclass. Invention XV has separate

utility such as controlling data transfer by maintaining protocol communication, classified

in a different Class/Subclass. Invention XVI has separate utility such as message digest

travels with message, classified in a different Class/Subclass. Invention XVII has

separate utility such as communication authentication technique, classified in a different

Class/Subclass. See MPEP § 806.05(d).

3.      The inventions are distinct, each from the other, because of the following

reasons:

(a) These inventions have acquired a separate status in the art as shown by their

different classifications.

(b) The search required for each Group is different and not co-extensive for

examination purposes.

The searches for these inventions would not be co-extensive because these

Groups would require different searches on PTO's classification class and subclass as

shown above.

For the reasons given above restriction for examination purposes as indicated is

proper.

4.      Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5.      Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48 (b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48 (b) and by the fee required under 37 CFR 1.17 (i).

6.      A telephone call was made to Mr. Ellsworth R. Roston (Reg. No. 16,310), on 12/12/03 to request an oral election to the above restriction requirement, but did not result in an election being made.

7.      A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THIRTY (30) DAYS FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

8.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Philip Tran whose telephone number is (703) 308-8767.

The Group fax phone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain T. Alam, can be reached on (703) 308-6662.

Any inquiry of a general nature or relating to the status of this application should

be directed to the Group receptionist whose telephone number is (703) 305-3900.


PBT
Philip B. Tran
Art Unit 2155
December 12, 2003

**HOSAIN ALAM**
**SUPERVISORY PATENT EXAMINER**